



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



IN REPLY REFER TO:
4130
(UTW02000)

June 11, 2015

CERTIFIED MAIL #7012 3460 0000 6633 4524
RETURN RECEIPT REQUESTED

CLARIS M STONE TRUSTEE
c/o LUJEAN MEMMOTT
PO BOX 560046
SCIPIO, UTAH 84656

NOTICE OF PROPOSED GRAZING DECISION

Dear Mrs. Memmott:

INTRODUCTION

The Bureau of Land Management (BLM) proposes to authorize livestock grazing on the Deer Foot Allotment (#05750) by issuing a new ten-year term grazing permit. The following is my Proposed Decision to issue a new term (10 year) grazing permit. Modifications to the grazing permit for this allotment will be made. Changes in AUMs and/or grazing season will be implemented.

BACKGROUND

The Deer Foot Allotment is located in Millard County approximately 5 miles south of Scipio, Utah on highway 6 & 50.

A copy of the environmental assessment (EA) DOI-BLM-UT-W020-2014-0011-EA is attached. An interdisciplinary team developed the EA for the purpose of analyzing the potential site-specific effects of issuance of a new term (10 year) grazing permit.

The livestock grazing management practices proposed under the Proposed Action/Preferred Alternative (i.e., season of use; utilization levels, trend and rangeland health objectives) were designed to manage the public lands on the allotment in concert with the private lands. As such, the Proposed Action/Preferred Alternative's proposed management actions are designed to consider the overall rangeland resources present, provide for a diversity of wildlife and plant species, maintain and/or achieve functioning ecosystems, maintain and/or achieve functioning riparian areas, and maintain and/or improve ecological site condition.

Notification that BLM was in the process of preparing an Environmental Assessment to renew the grazing permit for the allotment was posted on the internet on the BLM Utah's environmental notification bulletin board (ENBB) on February 10, 2014. As of January 31, 2015, no comments or inquiries in opposition to the proposal have been received.

PROPOSED DECISION

My proposed decision is to implement the proposed action as described in the attached Environmental Assessment (DOI-BLM-UT-W020-2014-0011-EA) for the renewal of the term grazing permit for the Deer Foot Allotment.

This proposed decision changes the active AUMs, livestock numbers and season of use for the allotment. A new term grazing permit will be issued for a term of up to ten years following the protest and appeal period for this decision.

Specifically, it is my proposed decision to implement the following changes to the term grazing permit as follows:

- Continue the authorization of livestock grazing on the Deer Foot Allotment for up to ten years by issuing a new term grazing permit. Changes to the season of use, permitted AUMs, and livestock numbers from that on the existing permit will be made.
- Increase the active AUMs in the Allotment from 54 to 127.
- Should a permittee desire to run more cattle for a shorter time it could be allowed as long as active AUMs were not exceeded.
- On years when forage production is greater than the grazing preference, increased numbers of livestock and/or grazing use outside the permitted grazing season may be authorized as long as this use will not be during the spring (between March 15th and May 31st).

The grazing preference will be as listed in Table 1.

TABLE 1 –GRAZING PREFERENCE							
Allotment	Permittee	Livestock Number & Kind	Season of Use	Active AUMs	Suspended AUMs	Total AUMs	Percent Public Land
Deer Foot	Claris Stone Trustee	42 Cattle	8/1 – 10/31	127	0	127	100

The issuance of the term grazing permit on the allotment will allow the BLM to implement the necessary terms and conditions outlined in the EA's Proposed Action/Preferred Alternative.

Authority

The authority for this decision is contained within the pertinent sections of Title 43 of the CFR, some of which are:

Title 43 CFR 4100.0-8 states in part that: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans..."

Title 43 CFR 4130.3-3 states in part that: "Following consultation, cooperation, and coordination with the affected lessees or Permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease..."

Title 43 CFR 4110.2-4 states in part that: "After consultation, cooperation, and coordination with the affected grazing permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may designate and adjust grazing allotment boundaries. The authorized officer may combine or divide allotments, through an agreement or by decision, when necessary for the proper and efficient management of public rangelands."

Title 43 CFR 4110.3 states in part that: "The authorized officer shall periodically review the permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

Title 43 CFR 4110.3-3(a) states in part that: "After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing §4110.3-2 shall be issued as proposed decisions pursuant to §4160.1, except as provided in paragraph (b) of this section."

Provision for Protest

Any applicant, permittee, lessee or other person whose interest is adversely affected by the proposed decision may protest it in accordance with 43 CFR 4160.2 within 15 days after receipt of this decision. The protest should specify the reason(s), clearly and concisely, why the decision is in error. The protest may be in person or submitted in writing to Michael D. Gates, Field Manager, Bureau of Land Management-Fillmore Field Office, 95 East 500 North, Fillmore, UT 84631. If it is submitted in writing, it must be hand delivered or by the common United States Postal Service mail system.

Terms and Conditions

- Actual use grazing information must be reported within 15 days after completing grazing use.
- Placement of Crystallyx and/or salt blocks will be at least ¼ mile from any water source. Locations for placement of these supplements will be selected to improve livestock distribution.
- Water hauling may be required and troughs would have bird ramps installed.
- No supplemental feeding or roughage will be allowed on public lands except where emergency conditions exist; then only by written permission from the Authorized Officer.
- Maintenance of all structural range improvements and other projects will be the responsibility of the permittee to which it has been assigned. Maintenance will be in accordance with cooperative agreements and/or range improvement permits. Failure to maintain assigned projects in a satisfactory condition may result in withholding authorization to graze livestock until maintenance is completed.
- The terms and conditions of the permits may be modified if additional information indicates that a revision is necessary to conform to the grazing regulations in 43 CFR Part 4100.

Monitoring

Key species are selected and vary depending upon the ecological, woodland or riparian site being monitored. The trend of vegetation in existing key management areas will be monitored using the line point intercept and nested plot frequency methods coupled with aspect photography.

Allotment evaluations would be conducted periodically to determine trend and allotment conditions. The evaluation may conclude that changes in the grazing permit of the allotment are needed. Adjustments to the permit would then be made accordingly.

Rationale

Information used in the preparation of this EA was compiled by an interdisciplinary team. There are no significant impacts anticipated on the human environment within the analysis area by the issuance of the new term (10 year) grazing permit and modification of the terms and conditions of the grazing permit.

The project design, project intent and maintenance responsibility meet the requirements of 43 CFR 4100.0-8, 4120.3 & 4130.3-2 as well as current rangeland management literature. The action intends to maintain or improve rangeland productivity that complies with the Fundamentals of Rangeland Health and Guidelines for Grazing Administration allowed under 43 CFR 4110.3 regulations.

In the absence of a protest, the proposed decision shall constitute my final decision without further notice unless otherwise provided in the proposed decision, in accordance with 43 CFR Sec. 4160.3(a).

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal and petition for a stay of the decision pending final determination. The appeal and petition for a stay must be filed in the Fillmore Field Office, as noted above, within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final.

Within 15 days of filing an appeal and petition for a stay, the appellant must send copies to any other person named in this decision and to the Office of Regional Solicitor, Intermountain Region, located at 125 South State Street, Suite 6201, Salt Lake City, Utah 84138. This is in accordance with 43 CFR 4160.3(c), 43 CFR 4160.4, 4.21, 4.470 and 4.471 of that title. Again, if an appeal and/or petition for a stay is submitted in writing, it must be hand delivered or by the common United States Postal Service mail system.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for a stay must be filed in the office of the authorized officer and served in accordance with 43 CFR 4.473.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions or concerns, feel free to contact Bill Thompson, Rangeland Management Specialist at (435) 743-3117.

Sincerely,

/s/ Michael D. Gates

Michael D. Gates
Field Manager

Enclosure:
Environmental Assessment

BThompson:bh

Copies sent to: (by certified mail):

JAMES I. WITHERS, CHAIRMAN (7012 3460 0000 6633 4531)

Millard County Commission

PO Box 854

Delta, UT 84624

DON ANDERSON (7012 3460 0000 6633 4548)

Utah Cattlemen's Association

150 South 600 East #10B

Salt Lake City, UT 84102